

ity of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

(Added Pub. L. 107-273, div. C, title I, §11024(a), Nov. 2, 2002, 116 Stat. 1830.)

#### PRIOR PROVISIONS

Another section 540C, added Pub. L. 107-306, title VIII, §824(a), Nov. 27, 2002, 116 Stat. 2428, related to annual report on activities of Federal Bureau of Investigation personnel outside the United States. Pub. L. 108-177, title III, §361(i), (n), Dec. 13, 2003, 117 Stat. 2625, 2626, which, under the heading “Annual Report on Activities of FBI Personnel Outside the United States”, directed the repeal of section 540C of title 28, effective Dec. 31, 2003, was executed by repealing the section 540C added by Pub. L. 107-306, to reflect the probable intent of Congress.

#### TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### CHAPTER 35—UNITED STATES ATTORNEYS

Sec.	
541.	United States attorneys.
542.	Assistant United States attorneys.
543.	Special attorneys.
544.	Oath of office.
545.	Residence.
546.	Vacancies.
547.	Duties.
548.	Salaries.
549.	Expenses.
550.	Clerical assistants, messengers, and private process servers.

#### AMENDMENTS

1990—Pub. L. 101-647, title XXXVI, §3626(b), Nov. 29, 1990, 104 Stat. 4965, substituted “Clerical assistants, messengers, and private process servers” for “Clerical assistants and messengers” in item 550.

1966—Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 617, added chapter 35 and items 541 to 550.

#### § 541. United States attorneys

(a) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

(b) Each United States attorney shall be appointed for a term of four years. On the expiration of his term, a United States attorney shall continue to perform the duties of his office until his successor is appointed and qualifies.

(c) Each United States attorney is subject to removal by the President.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 617.)

#### HISTORICAL AND REVISION NOTES

##### 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a) .....	28 U.S.C. 501.	[None].
(b) .....	28 U.S.C. 504(a).	[None].
(c) .....	28 U.S.C. 504(b) (less 2d sentence).	[None].

In subsection (c), the word “is” is substituted for “shall be”.

##### 1948 ACT

*Prior section 501.*—Based on title 28, U.S.C., 1940 ed., §481, sections 643 and 863 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions, and section 11-1001, District of Columbia Code, 1940 ed. (R.S., §767; June 26, 1876, ch. 147, §§1, 4, 19 Stat. 61, 62; Feb. 24, 1879, ch. 97, §8, 20 Stat. 320; Mar. 3, 1881, ch. 144, §7, 21 Stat. 507; Apr. 25, 1882, ch. 87, §§1, 3, 22 Stat. 47; July 20, 1882, ch. 312, §3, 22 Stat. 172; Aug. 5, 1886, ch. 928, §7, 24 Stat. 309; Feb. 22, 1889, ch. 180, §21, 25 Stat. 682; July 3, 1890, ch. 656, §16, 26 Stat. 217; July 10, 1890, ch. 664, §16, 26 Stat. 225; Mar. 3, 1893, ch. 220, 27 Stat. 745; July 16, 1894, ch. 138, §§14, 16, 28 Stat. 110, 111; June 24, 1898, ch. 495, §1, 30 Stat. 487; Apr. 12, 1900, ch. 191, §34, 31 Stat. 85; Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; May 12, 1900, ch. 391, §9, 31 Stat. 176; Jan. 22, 1901, ch. 105, §§4, 7, 31 Stat. 736, 737; Feb. 12, 1901, ch. 355, §§5, 7, 31 Stat. 782; Mar. 2, 1901, ch. 801, §§3, 5, 31 Stat. 881; Mar. 3, 1901, ch. 854, §183, 31 Stat. 1220; Mar. 11, 1902, ch. 183, §§5, 6, 32 Stat. 66; June 30, 1902, ch. 1329, 32 Stat. 527; Mar. 2, 1905, ch. 1305, §§4, 6, 33 Stat. 824; Mar. 3, 1905, ch. 1427, §§13, 15, 19, 33 Stat. 995, 996; June 16, 1906, ch. 3335, §13, 34 Stat. 275; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838; Jan. 7, 1913, ch. 6, 37 Stat. 648; Mar. 3, 1915, ch. 100, §§3, 4, 38 Stat. 961; Mar. 2, 1917, ch. 145, §41, 39 Stat. 965; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1412; July 9, 1921, ch. 42, §313, 42 Stat. 119; May 28, 1926, ch. 414, §2(b), 44 Stat. 672; Apr. 21, 1928, ch. 393, 45 Stat. 437; Mar. 26, 1928, ch. 51, §2, 52 Stat. 118).

Section consolidates section 481 of title 28, U.S.C., 1940 ed., and section 11-1001 of the District of Columbia Code, 1940 ed., with parts of sections 643 and 863 of title 48, U.S.C., 1940 ed., relating to appointment of United States attorneys.

The term “United States attorney” was adopted in this section for “attorney for the United States.” Since the decision of the Supreme Court of the United States in *In re Neagle*, 1890 (10 S. Ct. 658, 135 U.S. 1, 34, L. Ed. 55) where the terms “attorneys of the United States” and “district attorneys” were used interchangeably, Congress has also designated such officers as either “United States attorneys” or as “district attorneys.” See Acts of Feb. 22, 1886, ch. 928, §7, 24 Stat. 309; July 3, 1890, ch. 656, §16, 26 Stat. 217; July 10, 1890, ch. 664, §16, 26 Stat. 225, and Acts of July 20, 1882, ch. 312, §3, 22 Stat. 172; Mar. 3, 1915, ch. 100, §3, 38 Stat. 961; May 28, 1926, ch. 414, §2(b), 44 Stat. 672.

At present, such officers are invariably designated as “United States attorneys” by Federal courts and the Department of Justice.

Words “The President may appoint, by and with the advice and consent of the Senate,” were inserted to conform section with the Constitution. See article II, section 2, clause 2.

Words “including the District of Columbia” were omitted, because the District is made a judicial district by section 88 of this title. District of Columbia Code, 1940 ed., §11-1001, provided for appointment of an “attorney of the United States for the District” by the President, subject to Senate confirmation.

Words “learned in the law” were omitted as unnecessary. Such requirement is not made of United States judges and no reason appears to make a distinction respecting United States attorneys.

Parts of section 863 of title 48, U.S.C., 1940 ed., remain in said title 48. For remainder thereof, see Distribution Table. Other provisions of section 643 of such title are incorporated in sections 133, 504 [now 541 and 544], and 541 [see 561] of this title.

Changes were made in phraseology.

[The Historical and Revision Notes for former section 504, from which this section is partially derived, is set out under section 544 of this title.]

#### PRIOR PROVISIONS

A prior section 541, acts June 25, 1948, ch. 646, 62 Stat. 910; Mar. 18, 1959, Pub. L. 86-3, §11(c), (d), 73 Stat. 9, re-

lated to appointment, residence and tenure of marshals, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 561 of this title by section 4(c) of Pub. L. 89-554.

#### § 542. Assistant United States attorneys

(a) The Attorney General may appoint one or more assistant United States attorneys in any district when the public interest so requires.

(b) Each assistant United States attorney is subject to removal by the Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 618.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a) .....	28 U.S.C. 502.	[None].
(b) .....	28 U.S.C. 504(b) (2d sentence, as applicable to assistant United States attorneys).	[None].

In subsection (b), the word “is” is substituted for “shall be”.

#### 1948 ACT

*Prior section 502.*—Based on title 28, U.S.C., 1940 ed., §§ 483, 594 (May 28, 1896, ch. 252, §8, 29 Stat. 181; July 19, 1919, ch. 24, §1, 41 Stat. 209; Mar. 4, 1923, ch. 295, 42 Stat. 1560; June 25, 1936, ch. 804, 49 Stat. 1921).

Section consolidates sections 483 and 594 of title 28, U.S.C., 1940 ed., relating to appointment of assistant United States attorneys.

Words “United States attorneys” were substituted for “district attorneys.” (See reviser’s note under section 501 [now 541] of this title.)

The exception of Alaska from the operation of such section 483 was omitted as covered by section 109 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions, authorizing appointment of assistant United States attorneys in Alaska.

Reference in such section 483 to “District of Columbia” was omitted. (See reviser’s note under section 501 [now 541] of this title.)

The provisions of sections 483 and 594 of title 28, U.S.C., 1940 ed., requiring the judges and United States attorneys to certify or evidence in writing the necessity for assistant United States attorneys in their respective districts, and specifying that such opinion of the judge shall state to the Attorney General the facts as distinguished from conclusions, showing the necessity therefor, were omitted. The Attorney General, as chief law enforcement officer, is in a better position to determine such necessity.

The salary provisions of such section 594 were omitted as covered by section 508 [now 548] of this title.

Changes were made in phraseology.

#### PRIOR PROVISIONS

A prior section 542, act June 25, 1948, ch. 646, 62 Stat. 911, related to appointment and tenure of deputies and assistants for United States marshals, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 562 of this title by section 4(c) of Pub. L. 89-554.

#### § 543. Special attorneys

(a) The Attorney General may appoint attorneys to assist United States attorneys when the public interest so requires.

(b) Each attorney appointed under this section is subject to removal by the Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 618.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
(a) .....	28 U.S.C. 503. 5 U.S.C. 298.	[None]. July 28, 1916, ch. 261, §1 (6th par. on p. 413), 39 Stat. 413.
(b) .....	28 U.S.C. 504(b) (2d sentence, less applicability to assistant United States attorneys).	[None].

The text of former section 298 of title 5 is omitted as unnecessary. The position so authorized has not been filled in recent years, and the authority is preserved by this section and revised section 3101 of title 5, United States Code.

In subsection (b), the word “is” is substituted for “shall be”.

#### 1948 ACT

*Prior section 503.*—Based on section 312 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees (R.S. §363).

Other provisions of section 312 of title 5, U.S.C., 1940 ed., are incorporated in sections 507 [now 509 and 547] and 508 [now 548] of this title.

Changes were made in phraseology.

#### PRIOR PROVISIONS

A prior section 543, act June 25, 1948, ch. 646, 62 Stat. 911, related to oath of office for United States Marshals, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 563 of this title by section 4(c) of Pub. L. 89-554.

#### § 544. Oath of office

Each United States attorney, assistant United States attorney, and attorney appointed under section 543 of this title, before taking office, shall take an oath to execute faithfully his duties.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 618.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 504(c).	[None].

#### 1948 ACT

*Prior section 504.*—Based on section 315 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees, title 28, U.S.C., 1940 ed., § 482, and sections 643 and 863 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions (R.S. §§366, 769; June 24, 1898, ch. 495, §1, 30 Stat. 487; Apr. 12, 1900, ch. 191, §34, 31 Stat. 85; Apr. 30, 1900, ch. 339, §86, 31 Stat. 158; Mar. 3, 1909, ch. 269, §1, 35 Stat. 838; Jan. 7, 1913, ch. 6, 37 Stat. 648; Mar. 2, 1917, ch. 145, §41, 39 Stat. 965; Mar. 4, 1921, ch. 161, §1, 41 Stat. 1412; July 9, 1921, ch. 42, §313, 42 Stat. 119; Feb. 12, 1925, ch. 220, 43 Stat. 890; Apr. 17, 1930, ch. 174, 46 Stat. 170; Mar. 26, 1938, ch. 51, §2, 52 Stat. 118).

Section consolidates parts of sections 315 of title 5, U.S.C., 1940 ed., and 643 and 863 of title 48, both U.S.C., 1940 ed., with section 482 of title 28, U.S.C., 1940 ed. It is recommended that said section 315 be amended so as to omit those provisions relating to special attorneys to assist “district attorneys” which were used as part of the basis for this section, as other parts of said section 315, relating to special assistants to the Attorney General, and to foreign counsel, are to remain in title 5.

Words “United States attorney” were substituted for district attorney, and reference to District of Columbia was omitted. (See reviser’s note under section 501 [now 541] of this title.)

Reference to the territories in said section 482, was also omitted as covered by provisions of title 48, U.S.C., 1940 ed., Territories and Insular Possessions. See sections 109 and 112 of such title applicable to United States attorney in Alaska, and 1353 applicable in the Canal Zone, and 1405y applicable in the Virgin Islands.

The provision as to the tenure of the assistant United States attorneys and special attorneys is new. Existing law contains no provision as to tenure or removal of such officials. While the Supreme Court has held that the power of removal of executive officials is incident to the power of appointment, this section expressly provides for removal. See *Meyers v. United States*, 1926 (47 S.Ct. 21, 272 U.S. 52, 71 L.Ed. 160).

Said section 315 contained a provision that special attorneys appointed to assist United States attorneys should take the same oath required of the latter. This section was extended to assistant United States attorneys, respecting whom no provision existed as to oaths.

A portion of section 863 of title 48, U.S.C., 1940 ed., is retained in said title 48. For remainder of said section 863, see Distribution Table. Other provisions of section 643 of such title are incorporated in sections 133, 501 [now 541], and 541 [see 561] of this title.

Other changes were made in phraseology.

#### PRIOR PROVISIONS

A prior section 544, acts June 25, 1948, ch. 646, 62 Stat. 911; Sept. 2, 1958, Pub. L. 85-856, 72 Stat. 1104, related to bonds of United States marshals, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 564 of this title by section 4(c) of Pub. L. 89-554.

#### § 545. Residence

(a) Each United States attorney shall reside in the district for which he is appointed, except that these officers of the District of Columbia, the Southern District of New York, and the Eastern District of New York may reside within 20 miles thereof. Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof. The provisions of this subsection shall not apply to any United States attorney or assistant United States attorney appointed for the Northern Mariana Islands who at the same time is serving in the same capacity in another district.

(b) The Attorney General may determine the official stations of United States attorneys and assistant United States attorneys within the districts for which they are appointed.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 618; amended Pub. L. 95-530, §1, Oct. 27, 1978, 92 Stat. 2028; Pub. L. 96-91, Oct. 25, 1979, 93 Stat. 700; Pub. L. 103-322, title XXXII, §320932, Sept. 13, 1994, 108 Stat. 2135.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 505.	[None].

In subsection (a), the word “shall” is substituted for “must”. The word “thereof” is substituted for “of the District”.

#### 1948 ACT

*Prior section 505.*—Based on title 28, U.S.C., 1940 ed., § 524 (June 20, 1874, ch. 328, §2, 18 Stat. 109; May 28, 1896, ch. 252, §§8, 12, 29 Stat. 181, 183; Mar. 3, 1911, ch. 231,

§291, 36 Stat. 1167; June 14, 1941, ch. 203, §§1, 2, 55 Stat. 251).

The provisions of section 524 of title 28, U.S.C., 1940 ed., that the United States attorney shall give his personal attention to the duties of his office and declaring the office of United States attorney vacant upon his removal from his district or neglect of duty, were omitted as unnecessary and inconsistent with section 507(b) [now 519] of this title, charging the Attorney General with the duty of supervising the United States attorneys in the performance of their duties.

The provision permitting the United States attorney and his assistants to reside within twenty miles of the District of Columbia was added because of the relatively small and congested area of the District, as a result of which few Federal officers are appointed from the District or reside therein. Also the residence requirement of this section has no relation to domicile or voting residence nor does it affect the citizenship or residence status of District of Columbia officeholders in the several States from which appointed.

Only citizens of Hawaii resident therein at least 3 years preceding appointment may be appointed as United States Attorneys for the district of Hawaii. See section 501 [now 541] of this title.

Other provisions of section 524 of title 28, U.S.C., 1940 ed., were incorporated in sections 541 [see 561] and 751 of this title.

Changes were made in phraseology.

#### PRIOR PROVISIONS

A prior section 545, act June 25, 1948, ch. 646, 62 Stat. 911, related to vacancies in the office of the United States Marshal, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 565 of this title by section 4(c) of Pub. L. 89-554.

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 struck out “and assistant United States attorney” after “Each United States attorney” and inserted after first sentence “Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof.”

1979—Subsec. (a). Pub. L. 96-91 inserted provisions authorizing the United States attorney and the assistant United States attorneys for the Eastern District of New York to reside outside the district but within 20 miles thereof.

1978—Subsec. (a). Pub. L. 95-530 inserted provision that this subsection not apply to any United States attorney or assistant United States attorney appointed for the Northern Mariana Islands who at the same time is serving in the same capacity in another district.

#### § 546. Vacancies

(a) Except as provided in subsection (b), the Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant.

(b) The Attorney General shall not appoint as United States attorney a person to whose appointment by the President to that office the Senate refused to give advice and consent.

(c) A person appointed as United States attorney under this section may serve until the earlier of—

(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

(2) the expiration of 120 days after appointment by the Attorney General under this section.

(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until

the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 618; amended Pub. L. 99-646, §69, Nov. 10, 1986, 100 Stat. 3616.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 506.	[None].

#### 1948 ACT

*Prior section 506.*—Based on title 28, U.S.C., 1940 ed., §511 (R.S. §793; June 24, 1898, ch. 495, §2, 30 Stat. 487; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167).

Words “United States attorney” were substituted for “district attorney.” (See Reviser’s Note under section 501 [now 541] of this title.)

Words “The Supreme Court of the Territory, and the district court of the United States for the District of Columbia” were omitted as obsolete. This section, as revised, applies to all districts enumerated in chapter 5 of this title. There were no provisions respecting vacancies in Hawaii and Puerto Rico. Therefore this section remedies this situation and establishes a uniform method to fill interim vacancies.

Words “and a copy shall be entered on the journal of the court” after “filed in the clerk’s office of said court”, in section 511 of title 28, U.S.C., 1940 ed., were omitted as unnecessary.

The provisions of section 511 of title 28, U.S.C., 1940 ed., relating to marshals, are incorporated in sections 544 and 545 [see Prior Provisions notes under those sections] of this title.

Changes were made in phraseology.

#### PRIOR PROVISIONS

A prior section 546, act June 25, 1948, ch. 646, 62 Stat. 911, related to death of a marshal, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 566 of this title by section 4(c) of Pub. L. 89-554.

#### AMENDMENTS

1986—Pub. L. 99-646 amended section generally. Prior to amendment, section read as follows: “The district court for a district in which the office of United States attorney is vacant may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.”

### § 547. Duties

Except as otherwise provided by law, each United States attorney, within his district, shall—

(1) prosecute for all offenses against the United States;

(2) prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is concerned;

(3) appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;

(4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and

(5) make such reports as the Attorney General may direct.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 618.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 507(a).	[None].

The word “shall” is substituted for “it shall be the duty of”.

#### 1948 ACT

*Prior section 507.*—Based on sections 312, 317, 323, 324, 327, 329, 330, 331 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees; second paragraph of section 305e of title 25, U.S.C., 1940 ed., Indians; and title 28, U.S.C., 1940 ed., §§485, 486, 487, 488, 489 (R.S. §§362, 363, 373, 374, 377, 379-381, 771-775, 838; Feb. 27, 1877, ch. 69, §1, 19 Stat. 241; Apr. 9, 1910, ch. 152, 36 Stat. 294; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167; May 10, 1934, ch. 277, §512, 48 Stat. 758; Aug. 27, 1935, ch. 748, §6, 49 Stat. 893).

This section consolidates provisions of the sections enumerated above.

Other provisions of section 312 of title 5, U.S.C., 1940 ed., are incorporated in sections 503 [now 543] and 508 [now 548] of this title.

All requirements in said sections for reports to officers other than the Attorney General are omitted as unnecessary and are simplified in subsection (a)(5) of this section. The Attorney General directs the course of litigation in government cases and makes appropriate rules for furnishing information promptly to the Departments interested.

Specific duties fixed by sections 485-489 of title 28, U.S.C., 1940 ed., and the second paragraph of section 305e of title 25, U.S.C., 1940 ed., to prosecute and defend both civil and criminal proceedings, are covered in subsections (a)(1)-(4) of this section.

Use of “revenue law” in subsection (a)(4) in this section, which is based on section 486 of title 28, U.S.C., 1940 ed., obviates repetition of provisions relating to customs and revenue laws as both are covered by the term. For discussion of this point, see reviser’s note under section 3283 in House Report 152, to accompany H.R. 1600 Eightieth Congress, for revision of the Criminal Code.

The following sections of said title 5, U.S.C., 1940 ed., are superseded by, covered by, or inconsistent with subsection (a)(2)(5) of this section, subsection (b) of this section [now section 519 of this title], and section 5 of Executive Order No. 6166 of June 10, 1933, transferring to the Department of Justice the function of supervising the work of United States attorneys in connection with suits by or against the United States exercised by any agency or officer:

Section 323 requiring the General Counsel of the Treasury to make entries of bonds delivered to United States attorneys by collectors for suit until the amounts have been paid or judgments secured;

Section 324 requiring said General Counsel to examine and compare the reports made by collectors of bonds delivered by them to United States attorneys for suit, and of the returns of such bonds;

Section 329 authorizing said General Counsel to instruct United States attorneys, marshals and clerks in all matters relating to suits, except for taxes, forfeitures and penalties, and to require them to make such reports to him as he may direct. The first provision of section 329 of title 5, U.S.C., 1940 ed., is covered by the last paragraph of this section [now section 519 of this title], under which the Attorney General exercises supervision of the duties of United States attorneys. The Director of the Administrative Office of the United States Courts supervises the duties of clerks under

chapter 41 of this title. The provision for authority of said General Counsel over marshals, also contained in section 329, is incorporated in section 547 [see Prior Provisions note below] of this title in which such authority is vested in the Attorney General.

Section 327 of title 5, U.S.C., 1940 ed., authorized said General Counsel to establish regulations, subject to approval by the Attorney General, to be observed by United States attorneys and marshals in which the United States is a party. The provision as to United States attorneys is also covered by the last paragraph of this section [now section 519 of this title], and that as to marshals is covered by section 547 [see Prior Provisions note below] of this title.

Provisions of section 327 of title 5, U.S.C., 1940 ed., relating to establishment of regulations for the observance of collectors of the customs, by the General Counsel for the Department of the Treasury, with the approbation of the Secretary of the Treasury, was omitted and recommended for repeal as covered by section 66 of title 19, U.S.C., 1940 ed., Customs Duties.

The last paragraph of this section [now section 519 of this title], is based on the first clause of section 317 of title 5, U.S.C., 1940 ed.; see also section 309 of title 5. The second clause of said section 317 is covered by subsection (a)(5) of this section. The authority of the Attorney General over marshals and the requirement that they shall report to him the conduct and state of their offices, contained also in said section 317, is incorporated in section 547 [see Prior Provisions note below] of this title.

Section 330 of title 5, U.S.C., 1940 ed., which required that United States attorneys should conduct, under direction of the General Counsel of the Treasury, all suits and proceedings involving the United States under the laws governing national banking associations is covered by subsection (a)(2) of this section.

Section 331 of title 5, U.S.C., 1940 ed., requiring United States attorneys to obey directions of the Department of Justice in suits for money due the Post Office Department, is covered also by subsection (a)(2) of this section.

Changes in arrangement and phraseology were made.

#### PRIOR PROVISIONS

A prior section 547, acts June 25, 1948, ch. 646, 62 Stat. 912; Oct. 18, 1962, Pub. L. 87-845, § 8, 76A Stat. 699, related to powers and duties of marshals, prior to repeal by Pub. L. 89-554, § 8(a), and reenactment in section 569 of this title by section 4(c) of Pub. L. 89-554.

#### § 548. Salaries

Subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618; amended Pub. L. 98-473, title II, § 1701(a) Oct. 12, 1984, 98 Stat. 2184.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 508.	[None].

The words “sections 5315-5317 of title 5” are substituted for “subsection (f) and (g) of section 303 of the Federal Executive Salary Act of 1964” to reflect the codification of those subsections in title 5. The words “GS-18 of the General Schedule set forth in section 5332

of title 5” are substituted for “grade 18 of the General Schedule of the Classification Act of 1949, as amended”.

#### 1948 ACT

*Prior section 508.*—Based on section 312 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees, and title 28, U.S.C., 1940 ed., §§ 579 and 580 (R.S. § 363; May 28, 1896, ch. 252, §§ 8, 24, 29 Stat. 181, 186; Mar. 3, 1903, ch. 1007, § 1, 32 Stat. 1141; Mar. 4, 1907, ch. 2918, § 1, 34 Stat. 1360; May 27, 1908, ch. 200, § 1, 35 Stat. 375; July 19, 1919, ch. 24, § 1, 41 Stat. 209; June 1, 1922, ch. 204, title II (part), 42 Stat. 616; Jan. 3, 1923, ch. 21, title II, 42 Stat. 1083; Mar. 4, 1923, ch. 295, 42 Stat. 1560; May 28, 1924, ch. 204, title II (part), 43 Stat. 220).

Section consolidates part of section 312 of title 5, U.S.C., 1940 ed., and part of section 579 of title 28, U.S.C., 1940 ed., with section 580 of title 28, U.S.C., 1940 ed.

Sections 579 and 580 of title 28, U.S.C., 1940 ed., fixed specific salaries for the United States attorneys and assistants, while section 312 of title 5, U.S.C., 1940 ed., provided for a contractual arrangement for compensation of special attorneys.

According to a Department of Justice interpretation, provisions for specific salaries were superseded by section 678 of title 5, which provides for adjustment of compensation by heads of departments. Hence, this section leaves the amount of compensation to the Attorney General.

Section 578b of title 28, U.S.C., 1940 ed., providing that United States attorneys shall be paid for their services, was omitted as unnecessary.

Section 578c of title 28, U.S.C., 1940 ed., providing that United States attorneys shall not receive fees in addition to their salaries, was omitted as obsolete, in view of this section and current practice.

Other provisions of section 312 of title 5, U.S.C., 1940 ed., are incorporated in sections 503 [now 543] and 507 [now 509 and 547] of this title, and other provisions of section 579 of title 28, U.S.C., 1940 ed., are incorporated in section 552 [see Prior Provisions note for that section] of this title.

#### PRIOR PROVISIONS

A prior section 548, act June 25, 1948, ch. 646, 62 Stat. 912, related to administration of oaths by marshals, prior to repeal by Pub. L. 89-554, § 8(a).

#### AMENDMENTS

1984—Pub. L. 98-473 amended section generally, substituting “rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code” for “highest rate of GS-18 of the General Schedule set forth in section 5332 of title 5”.

#### SALARY INCREASES

1969—Increase in the rates of pay of United States Attorneys and Assistant United States Attorneys whose annual salaries are fixed pursuant to this section, effective on the first day of the first pay period which begins on or after Dec. 27, 1969, by amounts equal, as nearly as may be practicable, to the increases provided pursuant to section 2 of Pub. L. 91-231, which raised corresponding rates by 6 percent, see Pub. L. 91-231, set out as a note under section 5332 of Title 5, Government Organization and Employees.

1967—Pub. L. 90-206, title II, § 211(a), Dec. 16, 1967, 81 Stat. 633, provided that: “The rates of basic pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28, United States Code shall be increased, effective on the effective date of section 202 of this title [see Effective Date of 1967 Amendment note set out under section 5332 of Title 5] by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title [see section 5332(a) of Title 5] for corresponding rates of basic pay.”

Section 211(a) of Pub. L. 90-206 effective as of the beginning of the first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5.

1966—Pub. L. 89-504, title I, §108(a), July 18, 1966, 80 Stat. 293, provided that: “The rates of basic compensation of assistant United States attorneys whose basic salaries are fixed pursuant to section 508 of title 28, United States Code [now this section] shall be increased, effective on the effective date of section 102 of this title [first day of the first pay period beginning on or after July 1, 1966], by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this title [see section 5332(a) of Title 5], for corresponding rates of compensation.”

Provision effective July 18, 1966, see section 109(1) of Pub. L. 89-504.

1965—Pub. L. 89-301, §15(a), Oct. 29, 1965, 79 Stat. 1122, provided that: “The rates of basic compensation of assistant United States attorneys whose basic salaries are fixed pursuant to section 508 of title 28, United States Code, [now this section], shall be increased by 3.6 per centum effective on the first day of the first pay period which begins on or after October 1, 1965.”

1962—Pub. L. 87-793, §1003(b), Oct. 11, 1962, 76 Stat. 866, provided that: “The rates of basic compensation of assistant United States attorneys whose basic salaries are fixed by section 508 of title 28, United States Code, [now this section], shall be increased by 7½ per centum effective on the first day of the first pay period which begins on or after the date of enactment of this Act [Oct. 11, 1962].”

#### COMPENSATION OF INCUMBENT UNITED STATES ATTORNEYS AND ASSISTANT UNITED STATES ATTORNEYS

Pub. L. 88-426, §306(a)(2), Aug. 14, 1962, 78 Stat. 428, as amended by Pub. L. 88-631, §3(c), Oct. 6, 1964, 78 Stat. 1008, provided that: “Subject to section 303(f) and (g) of this Act [see sections 5315 to 5317 of Title 5, Government Organization and Employees], each incumbent United States attorney and assistant United States attorney shall be paid compensation at a rate equal to that of attorneys of comparable responsibility and professional qualifications, as determined by the Attorney General, whose compensation is prescribed in the General Schedule of the Classification Act of 1949, as amended [now covered by chapter 51 and subchapter III of chapter 53 of Title 5].”

#### ALASKA, CANAL ZONE AND VIRGIN ISLANDS

Act Mar. 2, 1955, ch. 9, §2(b), 69 Stat. 10, provided that: “The salaries of United States attorneys and assistant United States attorneys for the districts of Alaska, Canal Zone, and the Virgin Islands are subject to the provisions of section 508 of title 28, United States Code [now this section.]”

#### SALARY LIMITATIONS

Acts Aug. 5, 1953, ch. 328, title II, §202, 67 Stat. 375; July 2, 1954, ch. 456, title II, §202, 68 Stat. 421, which prescribed salary limitations, were repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 657.

### § 549. Expenses

Necessary office expenses of United States attorneys shall be allowed when authorized by the Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 618.)

#### HISTORICAL AND REVISION NOTES 1966 ACT

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	28 U.S.C. 509.	[None].

The second paragraph of former section 509 is omitted as it was superseded by the Travel Expense Act of 1949,

which is codified in subchapter I of chapter 57 of title 5, United States Code.

The second paragraph was based in part on former section 73 of title 5, 1940 ed., which was superseded by the Subsistence Expense Act of 1926.

Section 6 of the Travel Expense Act of 1949, which is codified in section 5706 of title 5, United States Code, substantially reenacted former section 73 of title 5, 1940 ed., which was repealed by the Act of June 25, 1948, ch. 646, by which title 28 was originally enacted. The purpose of section 6 was to allow reimbursement for only such actual and necessary travel expenses incurred unless otherwise permitted by the Act of 1949 itself or by laws relating to the military. Section 6 did not, however, provide for the exception of United States attorneys as did former section 73.

Sections 2 and 3 of the Act of 1949, which are codified in sections 5701 and 5702 of title 5, United States Code, defined the coverage of the Act and allowed for specific exclusions in the legislative and judicial branches but did not mention an exclusion in the executive branch for United States attorneys.

Section 7 of the 1949 Act, which is codified in section 5707 of title 5, United States Code, expressly vested in the Director of the Bureau of the Budget the authority to prescribe regulations covering travel allowances and the reimbursement of travel expenses.

Section 8 of the 1949 Act, which is codified in section 5708(1), (2) of title 5, United States Code, made specific exclusions from the coverage of the Act, and United States attorneys were not so excluded.

Section 9 of the 1949 Act, which is codified in section 5708(3), (4) of title 5, United States Code, modified acts inconsistent with the 1949 Act, and specifically mentioned acts which authorize reimbursement of “actual and necessary” expenses.

#### 1948 ACT

*Prior section 509.*—Based on sections 73 and 318 of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees, and title 28, U.S.C., 1940 ed., §§586, 587 and 592 (R.S. §§368, 833, 834; Mar. 3, 1875, ch. 133, §1, 18 Stat. 452; May 28, 1896, ch. 252, §§13, 14, 24, 29 Stat. 183, 186; Mar. 4, 1907, ch. 2918, §1, 34 Stat. 1360; May 27, 1908, ch. 200, §1, 35 Stat. 375; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167; July 1, 1918, ch. 113, §1, 40 Stat. 683; July 19, 1919, ch. 24, §1, 41 Stat. 209; Dec. 24, 1942, ch. 825, §3, 56 Stat. 1089).

Section consolidates parts of sections 73 and 318 of title 5, U.S.C., 1940 ed., and of sections 586, 587, and 592 of title 28, U.S.C., 1940 ed.

First paragraph of this section is from section 587 of title 28, U.S.C., 1940 ed., which did not apply to Alaska because of the restriction in section 591 of said title 28. However, the latter section has been superseded, in that respect, by subsequent appropriation acts, the latest being act July 5, 1946, ch. 541, title II, 60 Stat. 460, which specifically allows office expenses for United States attorneys in Alaska. This section applies to all United States attorneys.

Section 73 of title 5, U.S.C., 1940 ed., allowed only actual traveling expenses to Government employees, except “district attorneys,” marshals and clerks of courts and their deputies. It has been superseded by the Subsistence Expense Act of 1926. See sections 821 et seq. of said title 5.

References in section 592 of title 28, U.S.C., 1940 ed., to absence “from their respective official residences” and to going to and returning from attendance before courts, etc., were omitted as surplusage and covered by the phrase “on official business.” Language relating to Standardized Government Travel Regulations was also omitted as the reference in this section is to the provision in the Subsistence Expense Act, supra, authorizing those regulations. Verification under oath provision was omitted as covered by section 553 [see Prior Provisions note for that section] of this title which simplifies procedure by requiring payment upon certification by the payee. The penal provisions of title 18 are ample protection against fraud and an oath alone is no deterrent.

The requirement in section 592 of title 28, U.S.C., 1940 ed., that the marshals should include such payments in their accounts for auditing and allowance, was omitted as unnecessary. See section 541 et seq. [now section 561 et seq.] of this title and section 71 et seq. of title 31, U.S.C., 1940 ed.

Section 318 of title 5, U.S.C., 1940 ed., required the Attorney General to supervise the accounts of “district” attorneys, marshals, clerks, and other court officers. The language of this section covers that requirement. The provision as to marshals is incorporated in section 547 [see Prior Provisions note under that section] of this title.

Quarterly expense accounts were required of United States attorneys and marshals by section 586 of title 28, U.S.C., 1940 ed. Such provision is omitted as unnecessary in view of this section and section 547 [see Prior Provisions note under that section] of this title. Further provisions of said section 586 that office expenses of United States attorneys, assistants, and marshals should be allowed under regulations of the Attorney General and verified under oath, are simplified by this section and section 550 [see Prior Provisions note under that section] of this title. Another provision that accounts therefor should be submitted to, examined by the district court and, when approved by the court then audited and allowed by law, was omitted. The power of the Attorney General is sufficient. The reference to audit and allowance was unnecessary as covered by section 71 et seq. of title 31, U.S.C., 1940 ed., Money and Finance. Said section 586 applied also to marshals and deputies and those provisions are incorporated in section 550 [see Prior Provisions note under that section] of this title.

The exception in sections 586 and 591 of title 28, U.S.C., 1940 ed., that the former should not apply in Alaska was omitted as unnecessary. Section 114 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions, requires travel expense accounts to be rendered and paid as in other districts.

Changes were made in phraseology.

#### PRIOR PROVISIONS

A prior section 549, act June 25, 1948, ch. 646, 62 Stat. 912, related to the marshal’s power as a sheriff, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 570 of this title by section 4(c) of Pub. L. 89-554.

#### § 550. Clerical assistants, messengers, and private process servers

The United States attorneys may employ clerical assistants, messengers, and private process servers on approval of the Attorney General.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619; amended Pub. L. 101-647, title XXXVI, §3626(a), Nov. 29, 1990, 104 Stat. 4965.)

#### HISTORICAL AND REVISION NOTES

##### 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	28 U.S.C. 510.	[None].

The words “and at salaries fixed by” are omitted as superseded by the Classification Act of 1949, as amended, which is codified in chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

##### 1948 ACT

*Prior section 510.*—Based on title 28, U.S.C., 1940 ed., §§484, 593 (May 28, 1896, ch. 252, §15, 29 Stat. 183; June 30, 1906, ch. 3914, §1, 34 Stat. 753; July 19, 1919, ch. 24, §1, 41 Stat. 209).

Section consolidates and simplifies sections 484 and 593 of title 28, U.S.C., 1940 ed. For provisions with respect to classified civil service, see sections 631-684 of

title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees.

Section 593 of title 28, U.S.C., 1940 ed., related to clerks and messengers in the office of United States attorney, southern district of New York. Section 484 of title 28, U.S.C., 1940 ed., related to clerical assistants for all United States attorneys. It was not affected by section 678 of title 5 U.S.C. 1940 ed., Executive Departments and Government Officers and Employees, according to a Department of Justice interpretation.

Provision of said section 593 for office expenses of United States attorneys is covered by section 509 [now 549] of this title.

Said section 593 also required that payment of salaries of such clerks and messengers be made by the disbursing clerk of the Department of Justice. Under section 550 [see Prior Provisions note below] of this title the marshals will make such payments including the office expenses of United States attorneys.

The restriction that section 484 of title 28, U.S.C., 1940 ed., did not apply to Alaska is omitted as unnecessary since section 109 of title 48, U.S.C., 1940 ed., Territories and Insular Possessions, authorizes employment of clerical assistants to United States attorneys in Alaska by the Attorney General.

The provision in such section 484 of title 28, U.S.C., 1940 ed., that the need for clerical assistants be certified by the district judge, was omitted as unnecessary. The need may be determined by the Attorney General.

Changes were made in phraseology.

#### PRIOR PROVISIONS

A prior section 550, acts June 25, 1948, ch. 646, 62 Stat. 912; Sept. 9, 1959, Pub. L. 86-243, §2, 73 Stat. 474, related to disbursement of salaries and expenses, prior to repeal by Pub. L. 89-554, §8(a), and reenactment in section 571 of this title by section 4(c) of Pub. L. 89-554.

A prior section 551, act June 25, 1948, ch. 646, 62 Stat. 912, related to the collection of fees by United States marshals, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 572 of this title by section 4(c) of Pub. L. 89-554.

A prior section 552, act June 25, 1948, ch. 646, 62 Stat. 912, related to the fixing of salaries of United States marshals, their deputies and assistants, by the Attorney General, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 571 of this title by section 4(c) of Pub. L. 89-554.

A prior section 553, acts June 25, 1948, ch. 646, 62 Stat. 912; May 24, 1949, ch. 139, §72, 63 Stat. 100; Aug. 4, 1955, ch. 550, 69 Stat. 492; Aug. 14, 1961, Pub. L. 87-139, §5, 75 Stat. 340, related to expenses of marshal, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 567 of this title by section 4(c) of Pub. L. 89-554.

A prior section 554, act June 25, 1948, ch. 646, 62 Stat. 913, related to the delivery of prisoners to the successor marshal, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 573 of this title by section 4(c) of Pub. L. 89-554.

A prior section 555, act June 25, 1948, ch. 646, 62 Stat. 913, related to the delivery of all unserved process to the successor marshal or his deputies, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 574 of this title by section 4(c) of Pub. L. 89-554.

A prior section 556, act June 25, 1948, ch. 646, 62 Stat. 913, related to the prohibition of the practice of law by a marshal or deputy marshal, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 663, and reenactment in section 575 of this title by section 4(c) of Pub. L. 89-554.

#### AMENDMENTS

1990—Pub. L. 101-647 substituted “, messengers, and private process servers” for “and messengers” in section catchline and text.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective 180 days after Nov. 29, 1990, see section 3631 of Pub. L. 101-647, set out

as an Effective Date note under section 3001 of this title.

## CHAPTER 37—UNITED STATES MARSHALS SERVICE

Sec.	
561.	United States Marshals Service.
562.	Vacancies.
563.	Oath of office.
564.	Powers as sheriff.
565.	Expenses of the Service.
566.	Powers and duties.
567.	Collection of fees; accounting.
568.	Practice of law prohibited.
569.	Reemployment rights.
[570, 571.	Repealed.]
[572.	Renumbered.]
[572a to 577.	Repealed.]
[575, 576.	Renumbered.]

### AMENDMENTS

1988—Pub. L. 100-690, title VII, §7608(a)(3), Nov. 18, 1988, 102 Stat. 4514, substituted in chapter heading “Marshals Service” for “Marshals” and amended chapter analysis generally, substituting items 561 to 569 for former items 561 to 576.

1984—Pub. L. 98-473, title II, §1211(c), Oct. 12, 1984, 98 Stat. 2163, added item 576.

1982—Pub. L. 97-258, §2(g)(3)(A), Sept. 13, 1982, 96 Stat. 1060, added item 572a.

1972—Pub. L. 92-310, title II, §206(a)(2), June 6, 1972, 86 Stat. 203, struck out item 564 “Bond”.

1966—Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619, added chapter 37 and items 561 to 575.

### § 561. United States Marshals Service

(a) There is hereby established a United States Marshals Service as a bureau within the Department of Justice under the authority and direction of the Attorney General. There shall be at the head of the United States Marshals Service (hereafter in this chapter referred to as the “Service”) a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Director of the United States Marshals Service (hereafter in this chapter referred to as the “Director”) shall, in addition to the powers and duties set forth in this chapter, exercise such other functions as may be delegated by the Attorney General.

(c) The President shall appoint, by and with the advice and consent of the Senate, a United States marshal for each judicial district of the United States and for the Superior Court of the District of Columbia, except that any marshal appointed for the Northern Mariana Islands may at the same time serve as marshal in another judicial district. Each United States marshal shall be an official of the Service and shall serve under the direction of the Director.

(d) Each marshal shall be appointed for a term of four years. A marshal shall, unless that marshal has resigned or been removed by the President, continue to perform the duties of that office after the end of that 4-year term until a successor is appointed and qualifies.

(e) The Director shall designate places within a judicial district for the official station and offices of each marshal. Each marshal shall reside within the district for which such marshal is appointed, except that—

(1) the marshal for the District of Columbia, for the Superior Court of the District of Co-

lumbia, and for the Southern District of New York may reside within 20 miles of the district for which the marshal is appointed; and

(2) any marshal appointed for the Northern Mariana Islands who at the same time is serving as marshal in another district may reside in such other district.

(f) The Director is authorized to appoint and fix the compensation of such employees as are necessary to carry out the powers and duties of the Service and may designate such employees as law enforcement officers in accordance with such policies and procedures as the Director shall establish pursuant to the applicable provisions of title 5 and regulations issued thereunder.

(g) The Director shall supervise and direct the United States Marshals Service in the performance of its duties.

(h) The Director may administer oaths and may take affirmations of officials and employees of the Service, but shall not demand or accept any fee or compensation therefor.

(Added Pub. L. 100-690, title VII, §7608(a)(1), Nov. 18, 1988, 102 Stat. 4512; amended Pub. L. 107-273, div. A, title III, §301(b), Nov. 2, 2002, 116 Stat. 1781.)

### PRIOR PROVISIONS

A prior section 561, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619; amended Pub. L. 95-530, §2, Oct. 27, 1978, 92 Stat. 2028, related to appointment, term, and residence of United States marshals, prior to repeal by Pub. L. 100-690, §7608(a)(1).

### AMENDMENTS

2002—Subsec. (i). Pub. L. 107-273 struck out subsec. (i) which read as follows: “There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service.”

### § 562. Vacancies

(a) In the case of a vacancy in the office of a United States marshal, the Attorney General may designate a person to perform the functions of and act as marshal, except that the Attorney General may not designate to act as marshal any person who was appointed by the President to that office but with respect to such appointment the Senate has refused to give its advice and consent.

(b) A person designated by the Attorney General under subsection (a) may serve until the earliest of the following events:

(1) The entry into office of a United States marshal appointed by the President, pursuant to section 561(c).

(2) The expiration of the thirtieth day following the end of the next session of the Senate.

(3) If such designee of the Attorney General is appointed by the President pursuant to section 561(c), but the Senate refuses to give its advice and consent to the appointment, the expiration of the thirtieth day following such refusal.

(Added Pub. L. 100-690, title VII, §7608(a)(1), Nov. 18, 1988, 102 Stat. 4513.)

### PRIOR PROVISIONS

A prior section 562, added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 619, related to appointment of deputy